

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

KOREY A. ALWOOD,)	
)	
Plaintiff,)	
)	CAUSE NO. 3:05-CV-033 AS
v.)	
)	
STEBEN COUNTY SHERIFF)	
DEPARTMENT, <i>et al.</i>,)	
)	
Defendants.)	

OPINION AND ORDER

Korey A. Alwood, a *pro se* prisoner, filed a motion to compel discovery pursuant to FED. R. CIV. P. 37. Mr. Alwood seeks “documents describing the transportation, movement, and handling of ‘high risk prisoners’.” Motion at 1, docket # 47. In his request for production of documents he had asked for “Any and all policies or instructions to staff governing the transportation, intake, and handling or [sic] prisoners by the Steuben County Jail.” Docket # 38 at question 12. The defendant responded to the question, “Please see page 1 of the attached exhibits.” Docket # 41-1 at question 12. On the attachment, the defendant wrote, in pertinent part,

All procedures dealing with inmate Alwood as a high security risk were verbally directed per CPT Doug Grandin at a supervisory meeting, due to inmate Alwood being the only inmate of this type we had handled.

Docket # 41-2 at 1.

Mr. Alwood states that he “is aware that there is policies and procedures in writing for the foregoing.” Motion at 1, docket # 47. Though Mr. Alwood may

believe that such documents exist and though he may disbelieve the answer that he received, the defendant has answered the question. Mr. Alwood's wish or belief is not a basis for granting a motion to compel. Defense counsel is undoubtedly aware of the obligation to investigate, answer, and (when necessary) supplement discovery pursuant to FED. R. CIV. P. 26(e) if they discover additional information.

For the foregoing reasons, the motion to compel (docket # 47) is **DENIED**.

SO ORDERED.

Dated this 21st Day of June, 2005.

s/Christopher A. Nuechterlein
Christopher A. Nuechterlein
United States Magistrate Judge